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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

COLORADO-ARKANSAS-TEXAS
DISTRIBUTING, L.L.C.,

Plaintiff,

vs.

AMERICAN EAGLE FOOD
PRODUCTS, INC.,

Defendant/Counterclaimant.

Civil Action

Docket No. 1:06-cv-01937-UA (RCC)

**NOTICE OF MOTION
FOR SUMMARY JUDGMENT**

TO: Richard E. Carmen, Esq.
Brief Carmen & Kleiman, LLP
805 Third Avenue, 11th Floor
New York, NY 10022

PLEASE TAKE NOTICE, that Cohn Lifland Pearlman Herrmann & Knopf LLP, attorneys for defendant/counterclaimant American Eagle Food Products, Inc., hereby moves moves before the Honorable Richard Conway Casey, U.S.D.J. at the United States Courthouse for the Eastern District of New York for the entry of an Order in the form submitted herewith, granting Defendant/Counterclaimant's Motion for Summary Judgment pursuant to Rule 56 (c) of the Federal Rules of Civil Procedure, and other relief as the Court deems just and proper in the above-captioned action.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Defendant/Counterclaimant shall rely on this Notice of Motion, Memorandum of Law in Support of Defendant/Counterclaimant's Motion for Summary Judgment, Statement of Material Facts, and Certification of Eugene Sobeck and supporting exhibits submitted herewith.

PLEASE TAKE FURTHER NOTICE that counsel for Defendant/Counterclaimant hereby requests oral arguments at a date and time to be set by this Court.

Respectfully submitted,

COHN LIFLAND PEARLMAN
HERRMANN & KNOPF LLP
Attorneys for Defendant/Counterclaimant

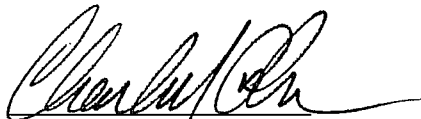
By: 

Dated: January 16, 2007

Charles R. Cohen
For the Firm

CERTIFICATION OF SERVICE

I hereby certify that on this date, a true and complete copy of the within Notice of Motion, Memorandum of Law in Support of Defendant/Counterclaimant's Motion for Summary Judgment, Statement of Material Facts, Certification of Eugene Sobeck , with attached Exhibits, were delivered via electronic mail, with a copy by regular mail, to Brief Carmen & Kleiman, LLP, attorneys for Plaintiff.



Dated: January 16, 2007

Charles R. Cohen